

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PHILADELPHIA INDEMNITY)

INSURANCE COMPANY,)

)

Petitioner,)

)

v.)

)

BRIDGEVIEW PLACE CONDOMINIUM)

ASSOCIATION INC.,)

)

Respondent,)

AFFIDAVIT OF APPRAISER RAYMOND PAWLAK

NOW COMES the affiant, Raymond Pawlak, and pursuant to 28 U.S. Code § 1746 declares under penalty of perjury that the following is true and correct:

1. I am over the age of 18 and competent to testify. I have personal knowledge as to all matters stated in this affidavit.

2. Following the September 9, 2021 contractual appraisal demand by the policyholder-respondent, Bridgeview Place Condominium Association, Inc. ("Bridgeview") in Claim No. 1403823 ("Claim"), I was engaged by Philadelphia Indemnity Insurance Company ("Philadelphia") to serve as its appraiser, pursuant to the terms and conditions of Policy No. PHPK1865132 ("Policy")

3. My professional background includes hundreds of prior first-party insurance property appraisals, serving as an appraiser for both policyholders, insurers and serving as an umpire.

4. In connection with the Claim and pending appraisal, I have reviewed the Appraisal Memorandum as well as the Policy's appraisal provision.

4. In connection with the Claim and pending appraisal, I reviewed Philadelphia's Claim file materials, which included certain engineering reports of EFI, findings of construction consultants JS Held & Co., photographs of the loss, as well as estimates from both Eco Shield Public Adjusters and JS Held & Co.

5. Based on my review of the Claim file materials outlined above, the issues in this appraisal included disputed causation, i.e. what caused the claimed damage, and also a determination of the proper method and amount of repair for the damage determined to be causally linked to the hail event Bridgeview complains of.

6. In order to make a determination of causation, a detailed examination of all 34 buildings is required. This necessarily includes the need for a visual and tactile examination of the properties' roofs and siding, which requires physically accessing, climbing onto and walking on all 34 roofs. Both appraisers and the umpire will need to be participate in the tactile and visual examination and climb on each roof. The causation issues include a determination of whether hail damaged the subject properties on the date of loss or whether the complained of damage was long-term weathering, aging, wear and tear or mechanical damage.

7. Following the necessary causation findings, and in order to determine the proper method, scope and amount of repair, a working knowledge of Xactimate, Symbility or other cost construction cost estimate is software is required as the appraisal protocol agreed to by the

Parties requires the appraisal award to include an award in an Xactimate format.

8. Accordingly, in order for an umpire to be competent and impartial as required by the Policy and the agreed memorandum, he or she must both be able and willing to physically access and walk and inspect all 34 roofs and also possess a working knowledge of construction cost estimation software.

9. I have provided to Philadelphia, who has in turn provided to this Court the CVs of four potential umpires. Aside from being impartial, I have personal knowledge that each of the four proffered appraisers are able and willing to physically access and walk and inspect all roofs and also possess a working knowledge of construction cost estimation software.

10. To date, my counterpart, and Bridgeview's appraiser, Thomas Zordan, has provided a list of potential umpire candidates, all of whom are retired judges at ADR Systems. Appraiser Zordan has also represented to me that he desires a retired judge to serve as an umpire.

11. In response, I advised Appraiser Zordan that given the causation and scope issues implicated by Bridgeview's appraisal demand, an umpire is needed that is able and willing to physically access and walk and inspect all roofs and also possess a working knowledge of construction cost estimation software.

12. I requested that Appraiser Zordan identify candidates from ADR Systems able and willing to physically access and walk and inspect all roofs and also possess a working knowledge of construction cost estimation software. He has identified none and the appraisers are at an impasse on the selection of an umpire. (A true and accurate copy of the email is attached and incorporated as Ex. A)

13. Further, on March 15, 2022, a representative of ADR Systems advised that "none of our people are willing to get up on a roof."

Pursuant to 28 U.S.C. § 1746, I, Raymond Pawlak declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT,

Raymond Pawlak

Appraiser Raymond Pawlak

3-30-2022

Date

EXHIBIT A

James P. DuChateau

From: Ray Pawlak <Ray.Pawlak@GMC-USA.COM>
Sent: Thursday, March 17, 2022 7:34 AM
To: Thomas Zordan; Ray Pawlak
Subject: Re: 21-1611 Bridgeview Place Condo - Philadelphia 1403823

Beware External Email - Think Before You Act

Links and attachments should not be opened unless expected or verified

Hi Tom,
I apologize for the delay. We have reached out to ADR and they have confirmed that their candidates will not go on the roof nor do they have the ability to write an estimate.

As such I would ask that you reconsider The candidates that I have put forward who all are capable and willing to go on the roof as well as writing an estimate per our direction.

Thanks,
Ray

GM Consulting - USA | RayMar International
Mobile 630-777-4302
Sent from my mobile.
Please excuse typos

On Mar 11, 2022, at 16:20, Thomas Zordan <tzordan@acg-ltd.net> wrote:

Hi Ray, I am following up on my last email dated Feb 7 and have not received a reply. As stated, I still believe that going with Umpire Candidates from the ADR Systems would be the best for both parties.

On Mon, Feb 7, 2022 at 3:18 PM Thomas Zordan <tzordan@acg-ltd.net> wrote:

Hi Ray, sorry for the delay, I have been out of town since Thursday. Based on my discussions with your proposed umpire, Mike Newman, had stated that he did not need to be on the roofs and that he was not providing an Xactimate. He also noted that the Xactimate estimate should come from both sides along with our findings for his review. Based on the above, I still believe that going with Umpire Candidates from the ADR Systems would be the best for both parties.

On Wed, Feb 2, 2022 at 3:59 PM Ray Pawlak <Ray.Pawlak@gmc-usa.com> wrote:

Tom,

I do not necessarily disagree, but it is critical we have someone who can write an Xactimate estimate and actually inspect the roofs. If you know of a retired judge that can do that, please send me their information.

From: Thomas Zordan <tzordan@acg-ltd.net>
Sent: Wednesday, February 2, 2022 2:28 PM
To: Ray Pawlak <Ray.Pawlak@GMC-USA.COM>
Subject: Re: 21-1611 Bridgeview Place Condo - Philadelphia 1403823

Thanks, I still feel that we should go with someone that is non biased and therefore believe that it is of both parties best interest to select someone from ADR systems.

On Wed, Feb 2, 2022 at 1:47 PM Ray Pawlak <Ray.Pawlak@gmc-usa.com> wrote:

Dan Dowell's contact info is above – this is the list I previously sent. Eric Koertge is in the same office – 630-417-0631

From: Thomas Zordan <tzordan@acg-ltd.net>
Sent: Wednesday, February 2, 2022 1:43 PM
To: Ray Pawlak <Ray.Pawlak@GMC-USA.COM>
Subject: Re: 21-1611 Bridgeview Place Condo - Philadelphia 1403823

Hi Ray, I did reach out to Mike Newman and had a brief discussion regarding umpiring the claim. Mike did indicate that 80% of his insurance work is on behalf of the carrier. He did state that he tries to be no biased. I also discussed the need to be on the roof at the time of inspections which he believed was not necessary unless something was not clear or needed to be seen. Based on our discussions, I do have reservations that he worked more on the carrier behalf and could possibly render his own engineering opinion. He also said that he should only do a review and typically would not provide an Xactimate estimate. I was unable to reach out to Dan Dowells since I did not have his contact information and he was not on your original list.

Based on the above, I still believe that going with Umpire Candidates from the ADR Systems would be the best alternative.

On Wed, Feb 2, 2022 at 11:54 AM Ray Pawlak <Ray.Pawlak@gmc-usa.com> wrote:

Hi Tom,

I am not averse to a judge but need to be certain that whoever is appointed can write an Xactimate estimate and can inspect the property with us.

Dan Dowell of Miner and East is a general contractor – Eric Koertge at Miner and East is also an Umpire you should consider.

Mike Newman of Newman Consulting works for policyholders and insurance companies. His telephone number is 773-270-1086 - his email is mike@newmanllc.net

Let me know and thanks,

Ray

From: Thomas Zordan <tzordan@acg-ltd.net>
Sent: Wednesday, February 2, 2022 9:44 AM
To: Ray Pawlak <Ray.Pawlak@GMC-USA.COM>
Subject: Re: 21-1611 Bridgeview Place Condo - Philadelphia 1403823

I can call a few of the umpires on your list if you like however it would appear that a majority of the list typically work and/or are hired by insurance companies. I would suggest that we look at a non biased umpire (Judge) from the ADR Systems. Thank you.

Umpire Candidates:

ADR Systems

20 North Clark Street, Floor 29

Chicago, IL 60602

800.423.7010

312.960.2260

Fax: 312.960.2268

info@adrsystems.com

Hon. Dennis J. Burke, (Ret.)

Hon. Clifford L. Meacham, (Ret.)

Hon. Stuart A. Nudelman, (Ret)

On Mon, Jan 31, 2022 at 3:50 PM Ray Pawlak <Ray.Pawlak@gmc-usa.com> wrote:

Hi Tom,

Attached please find our Umpire list for your review and consideration.

Thanks,

Ray

From: Thomas Jordan <tzordan@acg-ltd.net>

Sent: Friday, January 28, 2022 2:04 PM

To: Ray Pawlak <Ray.Pawlak@GMC-USA.COM>

Subject: Re: 21-1611 Bridgeview Place Condo - Philadelphia 1403823

Hi Ray, We have spoken with ECO Shield and the client regarding our engagement and they agreed to engage us. We would assume that we should be able to look a representative sample within a day period. If you think you need more time, please let me know.

On Fri, Jan 28, 2022 at 11:12 AM Ray Pawlak <Ray.Pawlak@gmc-usa.com> wrote:

Hi Tom,

Can you please confirm that you have been engaged as the insureds appraiser? I have not received nor heard from you after our last conversation.

Thanks,

Ray

--



Thomas F. Zordan, AIA

Senior Architect / Principal

WE HAVE MOVED To OUR NEW ADDRESS!

**422 N. Hough Street
Barrington, IL 60010
O: 847-277-1900
F: 847-277-1300**

tzordan@acq-ltd.net

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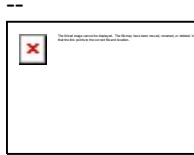
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